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ORION COMMUNITY CABLE COMMUNICATIONS COMMISSION
VILLAGE OF LAKE ORION - CHARTER TOWNSHIP OF ORION
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March 5, 2009

Received & Inspected

MAR 10 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

FCC Mail Room

Re: Petitions for Declaratory Ruling Regarding Public, Educational and Governmental Access Channels, MB Docket No. 09-13, CSR-8126 (ACM *et al.*), CRS-8127 (City of Lansing, MI), and CSR-8128 (City of Dearborn, MI *et al.*)

Dear Ms. Dortch:

The Orion Community Cable Communications Commission, representing the Charter Township of Orion and the Village of Lake Orion, supports and strongly urges the Commission to grant all three of the above-captioned petitions concerning public, educational and governmental ("PEG") access channels. The problems created by the AT&T channel platform and Comcast's selective digitization of PEG channels are different in many respects (the failure to comply with FCC rules by passing through closed captioning is unique to the AT&T platform). Both companies, however, are using their editorial control over their system to make it more difficult or expensive for program producers to use, and for subscribers to access and watch PEG programming. Rather than repeat the legal arguments in the petitions, we file to explain PEG's role in our community, and why it is important to prevent operators from inhibiting access to these channels.

1. PEG Programming in Orion Township/Village of Lake Orion.

Orion Neighborhood Television (ONTV) provides three PEG channels to residents of Orion Township and the Village of Lake Orion.

The message board on our **educational access channel** provides a calendar of events for each school in our district, which helps to keep families connected with the schools. School board meetings are televised live, enabling parents and the community to keep up with current issues.

Our **public access channel** provides a forum for our residents to share their programs and viewpoints with other residents, as well as providing programs of interest to our community. We cablecast a wide range of programming: high school graduation, Brownie Girl Scout tours of the ONTV studio, summer concerts in the park, elementary school talent shows, Battle of the Books, parades, high school football and basketball, public safety and educational programs – such as what to do if faced with foreclosure. *Where Are They Now?*

ORION COMMUNITY TELEVISION

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is a program that tracks down Lake Orion High School graduates and brings us up to date with them. Our weekly local news program, *Lake Orion Review'd*, is produced in partnership with our local newspaper. We produce a monthly magazine style program, *Lake Orion Living*, featuring segments about life in Lake Orion, including a local chef segment, and a 'mystery spot' segment. *Orion Matters* is a program that discusses issues of importance to Orion residents, such as safety path and library millage renewals. *Orion Today* features our township supervisor and village manager discussing issues of interest to both township and village residents. Last summer, a resident produced a series of programs, *Spotlight on Oakland County Government*, that explained the role of each county department. We televised several *Meet the Candidates* programs during the last election year, some ONTV produced, some resident produced. The character generated message board that runs between programs also contains information on upcoming community events and information from area non-profits.

In cooperation with our local Lions Club, our **government access channel** provides a reading service for the visually impaired when our message board is running. This service provides entertainment and community information, including weekly sale items at local grocery stores. The message board displays meeting agendas and public notices such as watering restrictions or street closures. We televise Orion Township Board, Lake Orion Village Council, and Orion Township Planning Commission meetings live, and then also replay them during the week. We know our residents are watching. After a board member announced at a live Orion Township Board meeting that the Census Bureau was hiring workers, the Census Bureau reported a flood of applications from Lake Orion.

As you can see, PEG programming in Orion Township/Village of Lake Orion provides local residents with informational, public safety, educational, cultural, local opinion, and resident produced programming of uniquely local interest that they cannot obtain elsewhere. It is especially important that residents feel connected to their community in these uncertain times.

2. The Situation in Our Community

AT&T began offering service to some areas of our community in the third quarter of 2007. Our PEG channels are not available on their system yet because of the large costs associated with providing our signal to them. We are also not pleased with the way access channels are treated on the U-verse system. It is awkward to get to the channels, and then a viewer is not able to switch easily between an access channel and another channel, which is something that a resident is likely to do while waiting for a particular agenda item to be discussed during a local government meeting. Another reason we hesitate to deliver our access channels to AT&T is that we are unable to receive the U-verse product at our access facility, so we are unable to monitor the signal.

Comcast offers cable service, including PEG channels, to our entire community. Comcast attempted to move our PEG channels to a digital tier early last year, but were prevented from making the move when four Michigan communities (Meridian Township, Dearborn, Bloomfield Township and Warren) sued Comcast in federal court. The court

enjoined Comcast from moving the PEG channels or altering the format of the PEG channels without the permission of the court.

We rely upon our PEG channels to convey important public information to our community. People in our community rely on the channels to receive information. If the channels are less accessible for technical reasons, or because one must effectively pay extra to receive the channels, the PEG channels would become a much less effective avenue for community communications, and some subscribers we now reach would not receive the information at all. While we do not face the problems caused by PEG digitization or by the Channel 99 platform yet, if the Commission were to endorse the actions of AT&T and Comcast at issue in this proceeding, we have little doubt that the operators serving our community would adopt those approaches, to marginalize or effectively eliminate PEG access.

3. The Commission Should Grant the Petitions Concerning AT&T's PEG Product (CSR-8126 & CSR-8127)

Our experience confirms many of the deficiencies identified in the petitions. In virtually every conceivable way that matters to a viewer, the AT&T PEG product is markedly inferior to broadcast channels carried on AT&T's U-verse system: Ease of finding in the menu system, ease of access, the time it takes to reach the PEG programming, the ability to switch back and forth between local PEG programming and other channels, ability to record using DVR, closed captioning capability, and secondary audio ("SAP") capability.

Accordingly, to preserve PEG as envisioned in the Cable Act, the Commission should grant the petitions in CSR-8126 and CSR-8127.

4. The Dearborn Petition and Comcast's PEG Digital Channel-Slamming (CSR-8128)

The Orion Community Cable Communications Commission also supports Dearborn's petition in CSR-8128. Dearborn is clearly correct that Comcast's proposed treatment of PEG violates the Cable Act and would have impermissibly removed PEG channels from the basic tier.

While it has not yet implemented a PEG digitization slamming practice as they have in Dearborn, Comcast has threatened to do so. Many Orion residents rushed to subscribe to a digital level of service they didn't want in order to be able to continue to view local government meetings. There is every reason to believe that Comcast will digitize our PEG channels unless the questions posed in the Dearborn petition are answered as Dearborn proposes.

Conclusion.

Our PEG channels are a critical and irreplaceable resource for our community. They are the key medium of communication for our local government to communicate with

Ms. Marlene Dortch

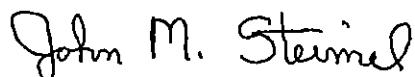
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residents, for local educational institutions to communicate with our residents, and for residents to communicate among themselves and to watch and participate in a dialogue about our community. In light of the decreasing amount of truly local programming available on broadcast and other commercial channels, PEG is the only full-time, genuinely local source of television programming available to our residents. We therefore strongly urge the Commission to grant all three petitions.

Respectfully submitted,

Orion Community Cable Communications Commission



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